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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,902	02/16/2001	Jay S. Walker	96-131X	5077

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EXAMINER	
HUYNH, SON P	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,902	WALKER ET AL.	
	Examiner	Art Unit	
	Son P Huynh	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41,47-60,65-67,70,72-74,77 and 80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41,47-60,65-67,70,72-74,77 and 80* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/12/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 41, 47-60, 65-67, 70, 72-74, 77, 80 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-40, 42-46, 61-64, 68-69, 71, 75-76, 78-79 have been cancelled.

Terminal Disclaimer

2. The terminal disclaimer filed on 10/20/2004 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S Patent 6,263,505 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

the limitation "receiving synchronization information related to the video program the remotely located server" in claim 53, lines 4-5 is unclear. The examiner interprets this limitation as – receiving synchronization information related to the video by the remotely located server. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 41, 47-60, 65-67, 70, 77, 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) over Ahmad et al. (US 6,263,507).

Regarding claim 41, Shoff teaches a method for receiving supplemental information, comprising the steps of:

initiating a computer program via a computer (initiating viewing the supplemental content via viewer computing unit (90) – figure 5 and col. 8, line 35-col. 9, line 40);

receiving a video program, program identification and synchronization information related to a video program via a display(receiving video content program, data structure 48 and digital data which comprise program title, program time, timing information to synchronize presentation of the supplemental content with the video content program, etc. and display 66 used to display these data- figures 3-4 and col. 5, line 60-col. 7, line 7, col. 9, line 40-col. 10, line 6);

sending the program identification information and the synchronization information to a remotely located server (the viewer decide to enter into an interactive mode by using an input device to activate the icon 204 (or viewer content unit can automatically activate the target resource as soon as the browser is loaded on the processor). This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure to retrieve the supplemental information related to the video content program from supplemental content server (54 or 86 –figure 4) and synchronizing the retrieved supplemental content with the video program content – col. 9, line 54-col. 10, line 58. Inherently, the identification information such as URL and synchronization information such time timing information is sent to the supplemental content provider);

processing the program identification and the synchronization information (processing program information such as program title, program time, timing information, etc. – col. 9, line 65-col. 10, line 58);

receiving from the remotely located server (22 or 86 – figure 4) the supplemental information synchronized to the events and action of the video program (receiving supplemental information associated with the primary content video from supplemental content 54 or supplemental content 86 – figure 4 and col. 5, lines 15-60; col. 7, lines 25-67);

displaying the supplemental information (figure 8c),

in which processing comprises: transmitting the program identification information and the synchronization information to the remotely located server (col. 9, line 54-col. 10, line 58). However, Shoff does not specifically disclose a display device independent of the computer and displaying the supplemental information via the computer.

Ahmad teaches the display device (television 102) is independent of the computer (control device 101 such as portable computer- figure 1 and col. 12, line 30-col. 13, line 25), and displaying the supplemental information (secondary information) via the computer (col. 12, lines 40-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Ahmad in order to allows the optimization of the display devices for the particular type of information to be displayed (col. 12, line 60-col. 13, line 25).

Regarding claim 47, Shoff further teaches the supplemental information comprises at least one of audio and visual information (col. 5, lines 16-22).

Regarding claim 48, Shoff further discloses display layout may be altered automatically as part of the timing information. For instance, the digital data might invoke a graphic or text to pop up on the screen at a timely point in the program. Such real time content includes, for example, trivia question, interesting facts, graphical or sound effects, and so forth that relate to specific parts of the programs (col. 11, lines 48-65). Necessarily, the synchronization information comprises a time code, which is update at predetermined intervals.

Regarding claim 49, Shoff in view of Ahmad teaches a method as discussed in the rejection of claim 48. Shoff further discloses the computer program is used to run the operation of the system (figure 5). As a result, the computer program is adapted to update the time code at the predetermined intervals.

Regarding claim 50, Shoff further discloses providing supplemental content relate to program (figure 3). Soft buttons 218-220 enable selection of different types of supplemental content. The user selects soft button 220 to display a merchandise store. The supplemental content comprises a secondary menu having soft buttons 232-237. The cursor symbol 224 is movable among the various buttons and used to activate a selected button. The buttons correspond to various type of

merchandise, such as clothes, posters, toys, etc. (col. 12, lines 7-65). Thus, a request to interactively change the supplemental information based upon the video program is transmitted; and the changed supplemental information in accordance with the request is received.

Regarding claim 51, Shoff in view of Ahmad discloses a method as discussed in the rejection of claim 41. Shoff further discloses the viewer computer runs an operation system 101, which supports multiple applications. The operations system 101 is stored in memory and executes on the processor (col. 8, lines 19-67). Necessarily, a computer readable medium storing instructions configured to direct a processor to perform the method of claim 41.

Regarding claim 52, the limitations of the apparatus correspond to the limitations as claimed in claim 51, and are analyzed as discussed with respect to the rejection of claim 51, wherein claimed processor is either met by processor (52) in Shoff reference (figure 5) or system controller (103) in Ahmad reference (figure 1).

Regarding claim 53, Shoff teaches a method comprising:
receiving a request for supplemental information related to a video program by a remotely located server (the supplemental content server provides supplemental content to viewer in response to the activating of interactive icon 204 –col. 9, line

54-col. 10, line 58. Inherently, the supplemental content server receives request for supplemental information related to a video program);

receiving synchronization information related to the video program by remotely located server (the supplemental content server receives request and provides the requested supplemental content that is synchronized with the video content program-col. 10, line 1-58. Thus, the synchronization information that is related to the video program is received by remotely located server);

determining the requested supplemental information (determining supplemental content that is related to the video content –col. 1, lines 1-10);

synchronizing the requested supplemental information to the video program displayed on a display device using the synchronization information (synchronizing supplemental content that is related to the video content with the video content on display (66) using digital data that defines timing information – see figure 4- col. 10, lines 1-58). However, Shoff does not specifically discloses transmitting the supplemental information to a computer independent of the display device.

Ahmad teaches transmitting the supplemental information (secondary information that related to primary information) to a computer (control device 101 such as portable computer) independent of the display device (television 102) (figure 1 and col. 12, line 30-col. 13, line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Ahmad in order to allows the optimization of the

display devices for the particular type of information to be displayed (col. 12, line 60-col. 13, line 25).

Regarding claim 54, Shoff further teaches the requested supplemental information comprises audio and visual information (col. 5, lines 15-22).

Regarding claim 55, Shoff discloses data structure 48 comprises program title, channel, associated supplemental information, etc. is provided to viewer computing unit (figure 3). Interactive icon is activated and supplemental information associated with the selected icon is provided to user (col. 9, line 45-col. 10, line 58). Necessarily, the identification information (program time, channel, icon 204, etc. is determined prior to determining the requested supplemental information.

Regarding claims 56-57, the limitations as claimed correspond to the limitations as claimed in claims 48, 50, and are analyzed as discussed in the rejection of claims 48 and 50.

Regarding claim 58, Shoff further teaches verifying that synchronization is maintained with the video program (verifying if the target specifications data field 58 is left empty or entered with target resource – figure 3 and col. 6, lines 50-67, col. 8, line 64 –col. 9, line 7).

Regarding claim 59, Shoff in view of Ahmad discloses a method as discussed in the rejection of claim 53. Shoff further discloses the viewer computer runs an operation system 101 which supports multiple applications. The operations system 101 is stored in memory and executes on the processor (col. 8, lines 19-55). Thus, a computer readable medium storing instructions configured to direct a processor to perform the method of claim 53.

Regarding claim 60, the limitations of the apparatus correspond to the limitations as claimed in claim 59, and are analyzed as discussed with respect to the rejection of claim 59, wherein claimed processor is either met by processor (52) in Shoff reference (figure 5) or system controller (103) in Ahmad reference (figure 1).

Regarding claim 65, Shoff in view of Ahmad teaches a method as discussed in the rejection of claim 41. Shoff further teaches the visual component of the video program contain the synchronization information (icon or indicia or timing information– col. 9, line 35-col. 10, line 58).

Regarding claim 66, Shoff further discloses icon 204 can be displayed throughout the program, or faded out after a set time period. The icon could be activated to synchronize the supplemental information with the program (col. 9, line 45-col. 10, line 58). Necessarily, the synchronization information comprises a time code

that is changed at predetermined intervals and which is used to synchronize the supplemental information to the video program.

Regarding claim 67, Shoff further teaches the video program is selected from the group consisting of: a live television broadcast (e.g. TV show), and a prerecorded television broadcast (e.g. movies) -col. 4, lines 17-21.

Regarding claim 70, Shoff further teaches the visual component of the video program contains program identification information related to the video program (e.g. program title 228 – figure 8b).

Regarding claim 77, Shoff discloses a method comprising:
displaying a video program including an audio component, a visual component and synchronization information via a display device (displaying continuous video content programs includes traditional broadcast TV shows, movies, games, and the like and icon or other indicia a that allow supplemental content to be synchronized with the program when the icon is activated (col. 9, line 30-col. 10, line 58 and figures 8b-8c);
initiating a computer program via a computer adapted to process a request for supplemental information related to the action and events occurring within the video program (initiating a computer program via viewer computing unit (90) adapted to process a request for supplemental information related to the video program content- figure 5 and 8, lines 35-60; col. 9, line 30-col. 10, line 58);

requesting the supplemental information from a remotely located server (activating interactive icon (manually or automatically) to start the target resource located by the target specification listed in the EPG data structure i.e. supplemental content provider –col. 9, line 54-col. 10, line 58);

transmitting information corresponding to the synchronization information from the video program to the remotely located server (e.g. transmitting information related to the supplemental content that is going to be synchronized with video content to the supplemental content provider – col. 9, line 54-col. 10, line 58);

receiving the supplemental information from the remotely located server (receiving supplemental content from supplemental content provider col. 9, line 54-col. 10, line 54 and figure 4);

displaying the requested supplemental information, synchronized to the video program in accordance with the synchronization information (displaying supplemental content, synchronized with the video content in accordance with synchronization information –col. 10, lines 1-58). However, Shoff does not specifically disclose displaying the supplemental information via the computer.

Ahmad teaches displaying supplemental information (secondary information) via a computer (control device 101 such as portable computer-col. 12, line 30-col. 13, line 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Ahmad in order to allows the optimization of the display devices for the particular type of information to be displayed (col. 12, line 60-col. 13, line 25).

Regarding clam 80, the limitations as claimed correspond to the limitations as claimed in claim 57, and are analyzed as discussed with respect to the rejection of claim 57.

7. Claims 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6,240,555) in view of Ahmad et al. (US 6,263,507) as applied to claim 41 above, and further in view of Knee et al. (US 6,014,184).

Regarding claim 72, Shoff in view of Ahmad teaches a method as discussed in the rejection of claim 41. Shoff further discloses an order button 237 that permits the user to place an order for a particular product (col. 12, lines 17-23). However, neither Shoff nor Ahmad specifically discloses initiating payment.

Knee teaches initiating payment (figure 43c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to use the teaching as taught by Knee in order to allow user to make payment in user desired method thereby improve convenience for user.

Regarding claim 73, Knee further teaches initiating payment comprises providing payment using a credit card account (figure 43c and col. 37, lines 20-38).

Regarding claim 74, Knee further teaches initiating payment comprises providing payment of a service statement (add the purchase price to the user's bill for program services - figure 43c and col. 37, lines 25-38).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh
January 6, 2005

HAI TRAN
PRIMARY EXAMINER